

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby amends Chapter 50, "Health Care Facilities Administration," Iowa Administrative Code.

The amendments implement legislative changes made to Iowa Code section 135C.33 by 2014 Iowa Acts, House File 2365. The legislation provides employers and certified nurse aide training programs with additional time to verify the conviction or entry of a record of founded abuse of current employees. The change from 48 hours to seven calendar days resulted from recommendations of the Background Check Study Committee that met in 2013 pursuant to 2013 Iowa Acts, Senate File 347. The Committee recommended the change because the information necessary for employers or training programs to verify a conviction or founded abuse may take up to seven calendar days to be available on the system used by employers or training programs for verification.

Item 5 changes the requirement for submission of a plan of correction from ten working days to ten calendar days. A plan of correction is submitted by facilities to explain how the facility will correct a deficient practice identified by the Department during an inspection. The change to ten calendar days is consistent with federal requirements, thereby eliminating confusion for providers.

The Department does not believe that these amendments impose any financial hardship on any regulated entity, body, or individual.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 11, 2014, as **ARC 1502C**. No comments were received on the proposed amendments. The adopted rule making is identical to the one published under Notice of Intended Action.

The State Board of Health reviewed the proposed amendments at its May 14, 2014, meeting, and subsequently approved this rule making at its July 9, 2014, meeting.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 135C.14 and 135C.33 and 2014 Iowa Acts, House File 2365.

These amendments shall become effective September 10, 2014.

The following amendments are adopted.

ITEM 1. Amend paragraph **50.9(9)"a"** as follows:

a. The employer shall act to verify the information within ~~48 hours~~ seven calendar days of notification. "Verify," for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

ITEM 2. Amend paragraph **50.9(10)"a"** as follows:

a. The facility shall act to verify credible information within ~~48 hours~~ seven calendar days of receipt. "Verify," for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

ITEM 3. Amend subparagraph **50.9(12)"c"(1)** as follows:

(1) The program shall act to verify the information within ~~48 hours~~ seven calendar days of notification. "Verify," for purposes of this paragraph, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct

an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents. If the information is verified, the program shall follow the requirements of paragraph 50.9(12)“a” to determine whether or not the student’s involvement in a clinical education component may continue.

ITEM 4. Amend paragraph **50.9(12)“d”** as follows:

d. Program receipt of credible information that a student has been convicted of a crime or has a record of founded abuse. If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student, and the student has not informed the program of such information within 48 hours, the program shall act to verify the credible information within ~~48 hours~~ seven calendar days of receipt of the credible information. “Verify,” for purposes of this paragraph, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents. If the information is verified, the requirements of paragraph 50.9(12)“a” shall be applied to determine whether or not the student’s involvement in a clinical education component may continue.

ITEM 5. Amend subrule 50.10(7), introductory paragraph, as follows:

50.10(7) Plan of correction. Within ten ~~working~~ calendar days following receipt of the statement of deficiencies, the health care facility shall submit a plan of correction to the department.

[Filed 7/16/14, effective 9/10/14]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/6/14.